

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**  
01/30/20  
04:59 PM

Order Instituting Rulemaking on  
Regulations Relating to Passenger Carriers,  
Ridesharing, and New Online-Enabled  
Transportation Services.

R.12-12-011  
(Filed December 20, 2012)

**RESPONSE OF UBER TECHNOLOGIES, INC. TO THE DECEMBER 19, 2020, ALJ  
RULING ORDERING UBER TECHNOLOGIES, INC. TO FILE AND SERVE ITS US  
SAFETY REPORT**

**I. INTRODUCTION & OBJECTIONS**

As directed by the December 19, 2019 *Administrative Law Judge's Ruling Ordering Uber Technologies, Inc. to File and Serve Its US Safety Report for 2017-2018 and to Answer Questions Regarding Alleged Sexual Assault and Sexual Misconduct Incidents* ("Ruling"), Uber Technologies, Inc. ("Uber") hereby submits a partial response. Uber is concurrently filing a Motion for Reconsideration to the full Commission of the Administrative Law Judge's ("ALJ") Ruling denying Uber's January 10 Motion for Reconsideration. In addition, Uber is also concurrently filing a Motion to Stay certain aspects of the Ruling.

As explained in Uber's January 30 Motion for Reconsideration, Uber applauds and accepts the Commission's legitimate regulatory interest in ensuring safety. For that reason, Uber is responding to the ALJ's various questions about data and complaint verification, policies and standards regarding the investigation of sexual assault and sexual misconduct complaints, the organization structure of Uber's safety team, and instructions to drivers. Uber hopes that the Commission will require *other* TNCs -- not just Uber as it has done so far -- to respond to similar targeted questions and ask all stakeholders for their input into establishing best practices in these

areas. Furthermore, Uber will continue to facilitate responses to inquiries into Uber's specific practices and procedures, including what Uber describes in its Safety Report and this response, by making the appropriate and knowledgeable business personnel available to meet with Commission staff.

## **II. RESPONSES TO SPECIFIC QUESTIONS IN RULING**

### **1. Questions Regarding the Drafting of Uber's Safety Report**

**1.1. Identify (i.e., provide the persons full name, job title, contact information, and job responsibilities) all persons employed by Uber who drafted any part of the Safety Report.**

**1.2. If more than one person wrote the Safety Report, identify which portions of the Safety Report each person drafted.**

**1.3. Identify all consultants, independent contractors, and/or third parties who drafted any part of the Safety Report.**

**1.4. Identify all persons who approved the final version of the Safety Report for public dissemination.**

#### **Response to Questions 1.1 - 1.4:**

As Uber explains in detail in its accompanying Motion for Reconsideration to the Full Commission filed today, Uber objects to this request because employees have a reasonable expectation of privacy to not have their names and contact information shared on an almost 300-person service list. Moreover, the CPUC has failed to even attempt to articulate a regulatory purpose by publicly disclosing and having stakeholders comment on their names, titles, contact information, and how these employees performed their jobs related to the drafting of the Safety Report. This is the case despite the fact that the CPUC is well aware that, if delivered by Uber, the requested data would then be subject to the California Public Records Act and the Freedom of Information Act, and these individuals should not be faced with the possibility of being targeted with third-party inquiries, public scrutiny and disclosure or any other kind of exposure or harm for the mere fact of performing the activities for which they were hired by their

employer. Therefore, in the absence of any defined purpose for requesting the employees' names, titles, and contact information, the greater interest to be protected should undoubtedly be the employees' right to privacy.

With respect to outside consultants, please refer to the Foreword section (pages 6-7) and Appendices II and III of the Safety Report.

## **2. Questions Regarding Data and Complaint Verification in the Safety Report**

**2.1. The Disclaimer to the Safety Report asserts that the data in the Safety Report “consists of reported incidents that allegedly occurred in connection with[ ]an Uber-facilitated trip” but that the Safety Report “does not assess or take any position on whether any of the reported incidents actually occurred, in whole or in part.”**

**2.1.1. Is it Uber’s position that it is under no obligation to determine if any of the reported incidents occurred? If so, state all facts, law, witnesses, and documents that support Uber’s position.**

### **Response to Question 2.1.1:**

Uber’s safety incident response approach is designed to gather sufficient information to facilitate taking prompt action on reports, including making reasonably informed decisions about actioning user accounts. When a serious safety incident such as sexual assault is reported to Uber, our safety support agents gather information by speaking with all parties involved and examining relevant facts that may aid in the ultimate resolution of a report. Relevant facts may include GPS information, trip timestamps, and any further information that may be provided to us such as dashcam, phone or audio recordings. As indicated in the Safety Report, such relevant facts may be useful **but are not necessary** to remove an accused party’s access to the platform.

We rely heavily on a statement of experience from the victim, which is defined as a firsthand account of the details on the reported incident. Importantly, and per guidance from experts in the field, we do not require conclusivity, corroboration or ‘credibility’ to action accounts. By implementing a case review process that is structured around gaining sufficient

information to make a determination regarding access to the app we are able to action reported violent offenders **even if** we do not have conclusive corroboration that an incident took place. Uber strives to obtain an accurate understanding of a reported incident, with the understanding that it is not realistic to know exactly what happened between users, and a lack of corroborating information is not an indication that an assault or incident did not occur. Accordingly, Uber can take action against an accused party's account if the information gathered during an agent's review warrants such action to best protect the safety of the Uber community.

**2.1.2. Should Uber be under an obligation to determine if any of the reported incidents occurred? If so, state all facts, law, witnesses, and documents that support your answer.**

**Response to Question 2.1.2:**

Uber addresses reported safety incidents by conducting case reviews according to a process that balances gathering sufficient relevant facts to make timely and informed decisions regarding continued access to the application. Our case review prioritizes banning reported offenders where the totality of the circumstances warrant this action, *and not only* when there is conclusive evidence that an incident occurs. If Uber only actioned accounts where there was proof beyond a reasonable doubt that an assault occurred, we would have to permit accused assailants to remain on the platform.

Additionally, Uber has consulted with nonprofit agencies that have expertise in the field of sexual assault and provision of services to survivors in developing an approach to reports that prioritizes gathering information on reported incidents from relevant parties in a manner that is empathetic and focuses on avoiding re-traumatization of the survivor. If agents were required to attempt to obtain corroboration or conclusive 'proof' that an incident happened, in certain instances they would be pressing survivors to provide more explanation than they wish to share.

Uber's current case review and customer support approach focuses on gathering only the specific information necessary to help make a determination about an accused party's continued access to the app. This emphasis on empathetic and precise information gathering addresses concerns about removing reported violent offenders' access to the app while avoiding potential survivor re-traumatization. Gathering only the focused facts requisite to a determination of app access also helps ensure that any future law enforcement investigation can proceed in accordance with their standards and best practices, and without the constraints of an unnecessarily extensive record created during a case review which has very different aims and potential consequences.

**2.2. For the sexual assault data for the five categories of sexual assault (non-consensual kissing of a non-sexual body part; attempted non-consensual sexual penetration; instance of non-consensual kissing of a sexual body part; non-consensual kissing of a sexual body part; and non-consensual sexual penetration) summarized in the Executive Summary (Safety Report at 18), how many incidents occurred in California in 2017, 2018, and 2019?**

**2.3. How many reports did Uber receive of sexual misconduct that occurred in California in 2017, 2018, and 2019?**

**Response to Questions 2.2.-2.3**

Uber received 1,243 reports in California which were included in the US Safety report. This is less than 0.00025% of rides that occurred in California during the time period.

With respect to sexual assault incidents occurred in California reported to Uber during 2019, please note that as mentioned throughout the Safety Report, all information contained therein refers to incidents that took place during 2017 and 2018, and therefore information of such nature related to incidents occurring during 2019 is not readily available or has been processed, neither internally or to be publicly shared. However, as also mentioned in the Safety Report, Uber will continue to release further versions of it every 2 years.

Please keep in mind that, as stated, this one-of-its-kind, voluntary, report is the culmination of significant cross-company efforts to analyze and put together information, for which a great amount of time and resources were invested precisely because accuracy in analyzing data was and will continue to be prioritized.

**2.4. For each incident of sexual assault and sexual misconduct that occurred in California in 2017, 2018, and 2019:**

**2.4.1. State the date, time, and place of each incident.**

**2.4.2. Give a detailed description of the circumstances of each incident.**

**2.4.3. Identify (i.e., provide the person's full name and contact information) each witness to each incident.**

**2.4.4. Identify (i.e., provide the person's full name, job title, contact information, and job responsibilities) each person to whom each incident was reported.**

**Response to Questions 2.4:**

As Uber explains in detail in its accompanying Motion for Reconsideration to the Full Commission filed today, Uber objects to providing individual incident information and victim names and contact information in this rulemaking proceeding for parties to "respond" to. A requirement for public disclosure, and potential subsequent stakeholder investigation and comment on individual victim incidents is unconscionable, it would further violate people who have already been victimized, it actively harms the public interest, and risks re-traumatizing victims in various stages of healing.

Likewise, Uber does not, and will not, provide the witness names requested in Question 2.4.3 of the Ruling. Such a request puts the victims in additional danger from their attackers, invites public scrutiny into potentially traumatic and serious episodes for these victims, and would result in ruinous consequences to recovering survivors. It is surprisingly contrary to one of the fundamental principles of managing sexual assault cases which is returning control and autonomy to the victims, and moreover, to the provisions of Penal Code 293 (a) and (b), which

requires law enforcement agencies to document in writing that a victim making a report of a sexual offense may request their name not become a matter of public record. Furthermore, in many instances, Uber may only have one version of an incident, or an incomplete version of an incident, and very often that incident information may not include the survivor's version of the events at all. Most importantly, the request flies in the face of so many victims' desire to remain anonymous, which is demonstrated by the countless number of individuals who file actions in San Francisco Superior Court, and other venues throughout California, as "Jane Doe" plaintiffs and there is no justification for a government agency to revert or intend to contradict the victims' decision.

The public disclosure of any witnesses also actively harms the public interest, and discourages possible cooperation by future witnesses to come forward and report what they have seen – including by victims coming forward to report acts committed against them. The mere issuance of a request suggesting just the possibility of public disclosure of witnesses will have a chilling and discouraging effect on witness cooperation. In fact, naming individuals risks actively discouraging individuals who may have experienced a safety incident from reporting such incidents to Uber or other companies. This will further obfuscate the true prevalence of sexual assault and sexual misconduct in communities. This is particularly unfortunate given that sexual assault is already an under-reported crime across society.

Because the Safety Report does not "assess or take any position on whether any of the reported incidents actually occurred, in whole or in part," some of the aggregate data that went into the Safety Report includes reported incidents where the accused attacker may not have committed the act or acts they were accused of committing. Public disclosure of these reported incidents, including the names and contact information of alleged assailants, would unnecessarily

subject individuals to potentially inappropriate and harmful allegations of sexual assault and sexual misconduct without the protections afforded by the Constitution and our criminal justice system: due process and an investigation by law enforcement requiring probable cause and ultimately proof beyond a reasonable doubt.

### **3. Questions Regarding Investigation of Sexual Assault and Sexual Misconduct Complaints**

**3.1. Does Uber currently have in place standards and strategies to measure, respond to, and prevent sexual assaults and sexual misconduct? If so, explain the protocol that a TNC passenger can utilize to report a claimed incident of sexual assault or sexual misconduct.**

#### **Response to Question 3.:**

See the following sections in Uber's Safety Report: "Collection of safety incident data" (page 34); "Safety support processes" (page 34); "Prevention initiatives" (pages 29-31); "Approach to safety deactivations (pages 27-28); "Sexual assault standards" (pages 25-27); and Appendix IV: Sexual Misconduct and Sexual Violence Taxonomy.

#### **Reporting Incidents**

Technology has the ability to help make travel safer than ever before. Uber uses technology to enable users to submit incident reports quickly and easily. With Uber, incident reporting is seamless and often much easier than with many other companies (including airlines, hotels, and taxi companies). For example, app-based reporting may encourage users to report more often, since they can do so more quickly and discreetly than they can in person or by phone. Currently, Uber receives and proactively gathers safety incident reports from more than 10 different channels, including:

- User-driven methods:
  - Post-trip in-app support
  - On-trip in-app reporting



- Uber's website
- 24/7 Critical Safety Response Line
- Uber Greenlight Hubs
- Proactive incident report gathering:
  - Social media mentions (Twitter, Facebook, etc.)
  - News media mentions
- Uber outreach after incidents:
  - RideCheck
  - In-App Emergency Button
- Incoming third-party communications:
  - Law enforcement (see Working with law enforcement in Safety commitments)
  - Regulator inquiries
  - Insurance claims
  - Other third parties

Because Uber aggregates safety incident data from many sources, Uber's dataset is likely more comprehensive than other sources of data, both in the transportation industry and more broadly.

#### Mechanisms to prevent incidents:

As we have learned from the experts we consult with, education can help get to the root of tough safety issues in a way that emergency interventions cannot. That's why we've worked to develop prevention policies and proactive campaigns to address unsafe behavior before it begins.

- Sexual misconduct education (in partnership with RAINN): Sexual misconduct is all too common in our society, and we're constantly working to prevent it on the Uber platform. As experts tell us, certain forms of sexual misconduct may often escalate to more serious behaviors over time. In our multicultural, multigenerational community, many users may not share the same level of understanding about what behavior is appropriate in a shared space with a stranger. Uber has teamed up with RAINN (operator of the National Sexual Assault Hotline) to create educational modules to inform riders and drivers about the best ways to respect each other when using the Uber app. This targeted education, which

covers various forms of sexual misconduct such as staring or leering, asking personal questions, making inappropriate comments/gestures, or unwanted flirting, is sent to users who receive initial reports of sexual misconduct. This education is designed to foster equality and respect for one another and to help intercept problematic behaviors before they become more serious.

- **Driving Change Initiative:** Women experience travel differently and encounter a number of particular safety risks that men are less likely to face. That's why making the platform safer for women and other communities that may face marginalization makes it safer for everyone. In 2017, we established Driving Change, an initiative to help prevent gender-based violence in our global community. Uber committed \$5 million in grant funding over 5 years to support the sexual violence prevention programs of local and national organizations. To date, we have partnered with leading organizations such as A CALL TO MEN, Casa de Esperanza, National Coalition of Anti-Violence Programs, National Network to End Domestic Violence, NO MORE, RALIANCE, Futures Without Violence, Rape, Abuse, Incest, National Network (RAINN), and the Women of Color Network, Inc., as well as grassroots rape crisis centers, both to integrate their expertise into our products and programs and to support their core prevention work in our communities. For example, Driving Change grants have helped A CALL TO MEN create the Institute of Higher Learning, an online education platform providing training modules on healthy masculinity and sexual violence prevention. Futures Without Violence was able to organize a National Youth Summit to encourage teens to engage healthy relationship strategies.

- #DontStandBy Bystander Awareness Campaign: In 2019, Uber teamed up with NO MORE, local law enforcement, local rape crisis centers, and the nightlife community to launch #DontStandBy, a bystander intervention campaign to prevent sexual assault before it starts. Alcohol has been linked to increased vulnerability for potential victims, and it has been used as a tool by offenders to facilitate sexual assault. Working with our partners, we've developed and distributed key safety tips and tools for nightlife staff, drivers, riders, and the general public on how to look out for others and safely intervene in unsafe situations. To date, we have launched #DontStandBy in 4 US cities with 14 law enforcement and advocate partners and 30+ bars and nightlife establishments.
- Drunk driving prevention: Even though it's never been easier to get a bus, train, subway, or ride home through Uber, our partner Mothers Against Drunk Driving (MADD) estimates that every 2 minutes someone is injured in a drunk driving crash, and every 51 minutes someone is killed. Through our #ReasonsToRide campaign with MADD, we are reminding the public that there are no excuses for driving impaired when there are so many options available to get you home safely and not endanger others on the roads. Since the company's inception, the Uber platform has served communities as an alternative to impaired driving so that no family has to live through this devastating and preventable loss.

The vast majority of safety incidents reported to Uber involve behaviors that are less severe and may not warrant immediate removal from the app. Uber evaluates user history and looks at a variety of factors, including user feedback, local driving patterns, fraud signals, and data science to identify patterns of potentially risky behavior. In instances where a pattern is identified, this can trigger further review by an agent and result in the accused party's loss of access to the Uber

app. removing users who exhibit potentially risky patterns of less severe behaviors may prevent escalation to more serious safety incidents.

**3.1.1. How does Uber receive and track a report of a claimed incident or sexual assault or sexual misconduct?**

**Response to Question 3.1.1:**

See the following sections in Uber’s Safety Report: “Collection of safety incident data” (page 34); “Safety support processes” (page 34).

By design, Uber receives an immense amount of user feedback across a wide range of topics, the vast majority of which are not related to safety issues. To isolate user feedback related to safety, Uber sorts the data using key words and phrases, in addition to our advanced natural language processing technology, and customer service agent review, to identify reports that may indicate safety concerns. All potential safety-related reports are manually reviewed by teams of safety support agents for proper adjudication. The most serious reports are escalated to a specialized team within Uber’s Incident Response Team, which aims to gather additional information on an incident report by speaking with incident parties and gathering necessary data in order to determine what user account action to take. Beyond triaging and adjudicating incidents, support agents are also responsible for the initial classification of the incident within Uber’s Safety Taxonomy.

Reports of sexual assault or misconduct are created through Uber’s customer support management system. This system allows Uber’s safety support team to interact with reporters via text-based messaging or phone calls. In order to document and track these complex investigations Uber also uses a system appropriate for case management. Within this system, safety support agents summarize phone conversations, collect information about the reported

incident, interact with relevant stakeholders, and document the case resolution. Reported safety incidents are documented in a user's account.

Uber also maintains internal data to measure the number of reported claims of sexual assault and sexual misconduct, as illustrated by the Safety Report. In 2018, Uber partnered with experts from the National Sexual Violence Resource Center (NSVRC) and the Urban Institute to develop a new taxonomy to better understand the reality of unwanted sexual experiences. Prior to this effort, a standardized tool that corporations could use to consistently classify reports of sexual violence received from their consumers did not exist. The taxonomy has since been made open source for use by other companies and organizations.

The data in the Safety Report was derived from incident reports, which reflect the description given by the reporting party, as classified by agents. As a result, it does not necessarily reflect the actual number of occurrences of critical safety incidents, nor does it signal the ultimate disposition of any particular case. Uber uses a survivor-centered approach in our review process for sexual assault reports. Survivors are not required to "prove" their own assault. Because we know that survivors of sexual violence may withdraw their reports or refuse to pursue them further for any number of personal reasons, this report consciously includes data about reports that were later withdrawn (but not disaffirmed) by survivors. Importantly, Uber believes that responsible data reporting is critical to improving the safety of the Uber ridesharing platform and the communities Uber serves. Each of these reported safety incidents is more than just a data point to Uber. Such incidents can represent serious traumas for real individuals in our communities. Uber takes this responsibility for data accuracy and consistency extremely seriously.

Uber strived for the data included in the report to have measurably high degrees of classification accuracy, reliability, and consistency. In determining which categories of sexual assault were appropriate to include in the report, we prioritized:

- 1. Including the most serious categories of sexual assault outlined in the taxonomy
- 2. Maintaining a high degree of confidence and consistency in the quality of the overall dataset
- 3. Remaining as consistent as possible with the types of sexual assault that are already published in external research and national estimates

The Safety Report includes categories of sexual assault which, in aggregate, have at least 85% of auditor classifications aligned with internal Safety Taxonomy experts. Uber is able to achieve much higher confidence in the auditor classifications for Non-Consensual Sexual Penetration and fatalities. For sexual assault and misconduct in particular, Uber user reports can be interpreted subjectively by safety support agents and auditors, even for the most severe incidents, because of a historical lack of shared and consistent definitions.

To prepare for the Safety Report, Uber created a specialized audit team to review and accurately categorize the data contained in this report. This team reviewed approximately hundreds of thousands of user reports, representing a range of safety- and non-safety-related consumer issues to ensure that all necessary information was documented and all incident reports were categorized accurately and comprehensively. In order to gain confidence in the results of the internal audit, we created a curriculum and certification process for auditors and measured their categorization accuracy at a regular cadence.

### **3.1.2. What steps does Uber undertake to investigate a report of a claimed incident of sexual assault or sexual misconduct?**

#### **Response to Question 3.1.2:**

See the following section in Uber’s Safety Report: “Sexual assault standards” (pages 25-27).

Uber takes all allegations of sexual assault and sexual misconduct by our users extremely seriously and works to take appropriate action on every report quickly and fairly. When our Incident Response Team (IRT) receives a report of sexual assault, a trained agent begins by identifying the accused party and their associated Uber account. We immediately remove the accused party’s access to the Uber app so that they cannot take trips while we complete a review. If the accused party is a guest rider, we attempt to identify whether they have their own Uber account and, if they do, we restrict that account. If the guest rider cannot be identified, or if they do not have an Uber account, the account holder may be restricted from the Uber platform since our Community Guidelines state that account holders are responsible for their guest riders’ actions while using Uber. Regardless of the outcome of our case review, we make sure that the involved parties are not paired again in the future on the Uber platform. It is important to note that this is not necessarily the only action Uber will take on a report, and that further action will depend on what the agent’s subsequent review finds.

During the case-review process, agents work to obtain the necessary information to make a determination as to whether the accused party’s account should be banned from the Uber app. This may include speaking with the survivor, reporting party, accused party, and any relevant witnesses. Where possible, we also consider any relevant facts that agents gather during the review process—such as GPS information, trip timestamps, and any additional information provided to us. This may include dashcam or audio recordings and screenshots of texts.

Although these relevant facts are useful in the ultimate resolution of a report, they are not necessary for an accused party's account to be removed from the platform. Uber respects and relies heavily on the survivor's statement of experience, as we know their voice is defining and important in this process. While we understand that trauma can prevent survivors from providing these sometimes painful accounts, the statement of experience is an integral piece that has great impact on reaching the most fair and swift decision possible. In cases where a survivor is not able or willing to provide that statement of experience, we will consider all other relevant facts obtained during the review.

Uber's approach to reports of sexual assault uses the learnings from partnerships built with dozens of gender-based violence advocate groups and experts. It also builds directly off of the Sexual Misconduct and Sexual Violence Taxonomy, developed in partnership with the National Sexual Violence Resource Center (NSVRC) and the Urban Institute. A main hallmark of this approach is to remove the requirements of conclusivity, corroboration, and survivor "credibility" in order to ban an accused party's account from the Uber app.

- **Conclusivity:** Uber strives to obtain the most complete and accurate understanding of a reported event. However, we realize that it is not realistic to know exactly what happened between users at any given time. In Uber's review process for sexual assault reports, survivors are not required to "prove" their own assault. Instead, Uber's aim is to gather the most pertinent information from the survivor's statement of experience and relevant facts such as GPS data, timestamps, photos/videos, etc. (where possible) to arrive at a resolution that best protects the safety of the Uber community.
- **Corroboration:** We know that it may not always be possible to obtain corroborating information in connection with an incident report of sexual assault. A lack of



corroborating information is not an indication that an assault or incident did not occur.

Uber can take action against the accused party's account if the information gathered during an agent's review warrants such action.

- Survivor "credibility": The issue of "credibility"—and the harm caused by positioning certain populations of survivors as less worthy of trust or plausibility than others—is a subject that has been discussed at length in the gender-based violence field. When it comes to sexual assault, Uber applies the same standard for drivers and riders, both new and tenured, without regard to race, gender identity, socio-economic status, sexual orientation, education level, or app rating or status.

### **3.1.3. Once the investigation is complete, how does Uber resolve a claimed incident of sexual assault or sexual misconduct?**

#### **Response to Questions 3.1.3:**

See the following sections in Uber's Safety Report: "Sexual assault standards" (pages 25-27); and Appendix IV: Sexual Misconduct and Sexual Violence Taxonomy.

The Safety Report describes Uber's policies and procedures for resolving a reported incident. Violent offenders have no place in the Uber community, and it's our priority to prevent their access to our platform. Uber will ban users from the platform if we are able to obtain a statement of experience from the survivor and/or obtain relevant facts (e.g., GPS data, timestamps, videos/photos, in-app communications). We adhere to this standard for all five sexual assault categories described in the Safety Report. However, when we receive a report with sparse information, our ability to take further action may be limited. For example, if we receive a report with one single word (e.g., "Rape" or "Touched") and we are unable to speak with or obtain further information from the victim, it becomes difficult to review the report effectively.

These types of reports, although troubling, unfortunately do not provide adequate information, such as identifying the accused party or other details that allow us to take further action.

When considering the totality of the circumstances as they are known to us, we make every attempt to avoid assumptions about a report unless we have additional clarifying statements or relevant facts. To that end, agents make numerous attempts to contact the reporting party, victim, or other witnesses to clarify the report, though sometimes these attempts are not successful. In these circumstances, Uber unfortunately may not have enough information to remove an individual account from the app.

Unwanted sexual experiences occur on a spectrum, as outlined in the Sexual Misconduct and Sexual Violence Taxonomy. Some sexual misconduct incident reports can include staring or leering, asking personal questions, making inappropriate comments/gestures, or unwanted flirting. While these interactions are inappropriate and troubling, they have a very different impact than sexual assault, where attempted or actual unwanted physical contact has occurred.

Our approach to reported sexual misconduct incidents was formulated in consultation with national advocacy experts, evidence-based best practices in the field of sexual violence prevention and response, and technology to detect potentially risky behavior. Uber's response to these types of incidents focuses on education regarding appropriate boundaries and the precepts of our Community Guidelines. When we receive a report of potential sexual misconduct, each incident is routed to the appropriate team of specialized agents, classified, and acted on according to factors including the level of severity and user history. If a pattern of behavior is found, this can trigger further review and result in the accused party's loss of access to the Uber platform.

Uber takes a dynamic, comprehensive approach to safety deactivations to help reduce serious interpersonal incident and motor crash rates. Our safety team handles a wide range of incidents, and there is no one-size-fits-all approach to managing them. A single serious safety incident can be grounds for a rider or driver deactivation. Serious safety incidents, including the ones covered by this report, are quickly routed to our safety response team; from there, an agent will reach out to all parties for a thorough review of the report and to take action on an account, if needed. This may include temporary or permanent deactivation from the app. (See Sexual assault standard and Incident Response Teams.) However, the vast majority of safety incidents reported to Uber involve less severe or infrequent behaviors that may not warrant immediate removal. For example, removal may not be justified when a rider reports a driver for hard braking, or when a driver reports that a rider initiated an argument. Either of these reports, however, could warrant further examination of the user's past behavior and will be noted in the user's account history.

**3.2. The Safety Report states that “Uber has put in place stronger safety policies and training for support staff, implemented a new classification system for the most serious safety incidents, and launched more safety features than ever before to help protect both drivers and riders.” (Safety Report at 71.) With respect to sexual assault and sexual misconduct:**

**3.2.1. What stronger safety policies and training for support staff have been put in place?**

**Response to Question 3.2.1:**

Safety support agents have been trained on Uber's global sexual assault and sexual misconduct standards. Uber engaged with an outside vendor to provide supplemental training for conducting effective phone investigations.

Investigators have been trained on a variety of resources that survivors of sexual assault and misconduct can access via RAINN (Rape, Abuse & Incest National Network). RAINN also created and delivered a tailored training for Uber investigators centered on taking a trauma-informed approach to sensitive investigations.

### **3.2.2. What is the new classification system for the most serious safety incidents?**

#### **Response to Question 3.2.2:**

See the following section in Uber’s Safety Report: Appendix IV: Sexual Misconduct and Sexual Violence Taxonomy.

Uber partnered with the National Sexual Violence Resource Center (NSVRC) and the Urban Institute in 2018 to develop a new taxonomy to better understand the reality of unwanted sexual experiences. The Sexual Misconduct and Sexual Violence taxonomy is explained at length in a white paper titled [\*Helping Industries to Classify Report of Sexual Harassment, Sexual Misconduct, and Sexual Assault\*](#). The taxonomy classifies acts of sexual violence using behaviorally specific definitions which is aligned with best practices related to measuring such incidents. The categories are mutually exclusive and collectively exhaustive by design to permit objective classification. In July 2018, Uber made a significant update to the safety incident taxonomy in partnership with NSVRC in order to enhance classification of certain safety incidents through expanded categories.

In short, the taxonomy identifies 21 different categories of sexual misconduct and sexual assault. As discussed in the Safety Report, this taxonomy takes a hierarchical approach so that each report is assigned to the most serious category which helps ensure safety support agents take the appropriate action with each case. The Sexual Misconduct and Sexual Violence taxonomy is part of Uber’s broader Safety Taxonomy.

### **3.2.3. What additional safety features have been launched to protect both drivers and riders?**

#### **Response to Question 3.2.3:**

See the following section in Uber’s Safety Report: “New Safety Technology” (pages 23-25).

As described in the Safety Report, we have launched a number of new safety features. Some of these features include:

- In-App Emergency Button: Connects riders and drivers directly to 911 with the simple press of a button. In some cities, trip details and location can be shared automatically with first responders, or riders and drivers can send a text message to 911.
- RideCheck: Can detect rare events such as unexpected long stops on a trip or possible vehicle crashes. The technology proactively checks in with riders and drivers to see if everything is OK, and the app provides tools that they can use to get help, if needed.
- Share My Trip/Follow My Ride: Gives riders and drivers the option to share their trip with designated loved ones who can then follow their trip on a map in real time and know when they’ve arrived.
- Phone number and address anonymization: When riders and drivers contact each other through the app, their actual phone numbers do not appear. Additionally, we’ve taken steps to anonymize exact pickup and drop-off addresses in the driver’s trip history.
- Driving-hours tool: Requires drivers to go offline for 6 straight hours after a total of 12 hours of driving to help prevent drowsy driving on the Uber platform.
- Real-time ID check: Uber also offers real-time ID check to help keep our platform reliable, safe, and secure. This feature periodically prompts drivers to take real-time

photos of themselves in the Uber app before they can accept rides. It then utilizes Microsoft's facial comparison technology to match the driver's real-time photo with their Uber account photo. If the two photos do not match, the driver loses access to the platform while the photo is manually reviewed. Real-time ID check helps ensure that the right driver—who has been vetted and approved by Uber—is behind the wheel, while reducing fraud and account theft risks.

#### **4. Questions Regarding Uber's Safety Team**

**4.1. The Safety Report states that Uber has “tripled the size of our safety team since 2017, with more than 300 professionals now dedicated to safety for our core rides business.” (Safety Report at 9.)**

**4.1.1. Identify all persons in charge of the safety team who work on sexual assault and sexual misconduct complaints.**

**4.1.2. Is the safety team organized by departments or divisions as they relate to complaints of sexual assault and sexual misconduct? If so, identify each department or division of Uber's safety team, the person or persons in charge of each department or division, and work responsibilities of each department or division.**

#### **Uber's Response to Question 4:**

Uber's approach to safety, which includes the handling of sexual assault and sexual misconduct complaints, is comprehensive and Uber has centrally organized a cross-functional group of Safety professionals including Product Managers, Engineers, Data Scientists and Analysts, Marketing and Product Marketing Managers, Legal Counsel, and Support Agents to manage our safety program. The professionals in these areas of expertise manage safety incidents when they occur and also build preventative safety products and features to reduce incident rates. The leadership managing the groups working on our global safety program include Uber's Vice President, Safety & Insurance; Senior Director, Product Management; Director, Community Operations; Global Head of Community Operations; and Head of Global Safety Operations.

## **5. Questions Regarding Instructions to Participating Drivers**

**5.1. Does Uber provide its participating drivers with any instructions regarding sexual assault and sexual misconduct? If so, describe how the instructions regarding sexual assault and sexual misconduct are given.**

**5.2. When are the instructions given regarding sexual assault and sexual misconduct?**

**5.3. How often are the instructions given regarding sexual assault and sexual misconduct?**

### **Response to Question 5:**

See the following sections in Uber's Safety Report: "Prevention initiatives" (pages 29-30). See also the following section in Uber's Safety Report: "Community Guidelines" (page 23).

Uber lays out expectations for user behavior in its [Community Guidelines](#)<sup>1</sup>. Everyone who signs up for an Uber account is expected to follow the Community Guidelines to help make every experience feel safe and respectful. The Community Guidelines broadly cover the importance of treating others with respect, helping to keep one another safe, and following the law. Failure to adhere to the Community Guidelines may result in loss of access to the app.

Drivers are advised of the Community Guidelines when they sign up for an account and receive their Platform Access Agreement. Additionally, Uber's Community Guidelines were refreshed in May of 2019 in the United States, and notifications regarding the refresh were disseminated to Uber app users at that time.

The Community Guidelines specifically indicate that sexual assault and sexual misconduct of any kind are prohibited and define them as sexual contact or behavior without explicit consent of the other person. Uber app users are advised to respect personal space and privacy of others and refrain from inappropriate conduct such as commenting on appearance or sexual orientation.

---

<sup>1</sup> <https://www.uber.com/legal/en/>

Uber also promotes broader awareness regarding sexual assault and misconduct by raising awareness of these issues which impact society as a whole. In November 2017, Uber [announced its Driving Change Program](#).<sup>2</sup> The program included several main pillars including:

- Committing \$5 million to fund sexual assault prevention initiatives and organizations over the next 5 years
- Sharing awareness and prevention tips with Riders and Drivers in the app
- Training our customer service agents who handle issues of sexual assault and misconduct to handle the issues with empathy

In April of 2018 for sexual assault awareness month, Uber [announced](#)<sup>3</sup> its next step in the Driving Change campaign by hosting community forums with women's safety advocates across the US and launching an [education video](#)<sup>4</sup> created by NO MORE for Uber riders and drivers. In November of 2018 we also expanded our support and partnership of sexual assault prevention initiatives and organizations internationally. This funding was in addition to the \$5 million committed over 5 years for the US and expanded our efforts to Latin and South America, the UK, and Australia and New Zealand.

Late in 2018 and expanding into 2019, Uber created [DontStandBy](#),<sup>5</sup> a safety education campaign on safe intervention in unsafe situations developed with NO MORE, local law enforcement, local rape crisis centers, and the nightlife community. The campaign has been launched in Los Angeles, Las Vegas, the District of Columbia, and Seattle. This included a partnership with attn. to create an [awareness video](#)<sup>6</sup> of the issue of sexual violence in entertainment districts.

---

<sup>2</sup> <https://www.uber.com/newsroom/driving-change-together/>

<sup>3</sup> <https://www.uber.com/newsroom/driving-change-by-connecting-with-the-communities-we-serve/>

<sup>4</sup> <https://nomore.org/campaigns/driving-change-with-uber/>

<sup>5</sup> <https://www.dontstandby.org/>

<sup>6</sup> [https://www.youtube.com/watch?v=n-Q3VIFUWaM&feature=emb\\_logo](https://www.youtube.com/watch?v=n-Q3VIFUWaM&feature=emb_logo)



Also in 2019, Uber expanded its sexual misconduct education efforts by deploying education modules, developed by RAINN. [These educational modules](#)<sup>7</sup>, share information about appropriate behavior while on the app and are sent to riders and drivers when they receive an initial report of unwanted behavior.

As noted in our Safety Report (“What’s next for safety at Uber?” page 31), in 2020, Uber will expand sexual misconduct and assault education to all US drivers. We are partnering with RAINN, the nation’s largest sexual violence organization, to design this program. In addition, Uber will partner with RAINN to provide a dedicated survivor hotline that will provide confidential crisis support and specialized services to survivors in 2020.

Respectfully submitted,

/s/

---

Vidhya Prabhakaran  
Tahiya Sultan  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery Street, Suite 800  
San Francisco, CA 94111-6533  
Tel. (415) 276-6500  
Fax. (415) 276-6599  
Email: [vidhyaprabhakaran@dwt.com](mailto:vidhyaprabhakaran@dwt.com)  
Email: [tahiyasultan@dwt.com](mailto:tahiyasultan@dwt.com)

Attorneys for Uber Technologies, Inc.

January 30, 2020

---

<sup>7</sup> <https://www.rainn.org/uber#our-modules>